

## **EXHIBIT V**

# **Exhibit A**

# ARIZONA SENATE

*Fifty-Fifth Arizona Legislature  
First Regular Session*

## Senate Judiciary Committee

### SUBPOENA *DUCES TECUM*

TO: The Maricopa County Board of Supervisors

YOU ARE COMMANDED TO APPEAR at the time, date and place set forth below to provide testimony concerning the items set forth in Exhibit A attached hereto. You must designate one or more of your officers, agents or representatives who consent to testify on your behalf about the same.

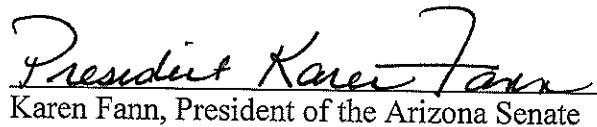
**Date & Time:** January 13, 2021 at 9:00 a.m.

**Place:** Arizona Senate  
Arizona State Capitol  
1700 West Washington Street  
Phoenix, Arizona 85007

You or your representative must also produce, and permit inspection, testing or sampling of the items set forth in Exhibit A at the date, time and location set forth above.

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY CONSTITUTE CONTEMPT OF THE  
LEGISLATURE, PURSUANT TO A.R.S. § 41-1153**

Executed this 12th day of January, 2021.

  
Karen Fann, President of the Arizona Senate

  
Warren Petersen, Chairman  
Senate Judiciary Committee

## EXHIBIT A

For the November 2020 general election in Maricopa County, Arizona:

1. The ballot tabulation and processing equipment from each polling place and tabulation center.
2. The software for the equipment described above and the election management system used.
3. Hardware and Forensic Images of Election Servers, Desktops, Removable Media (such as thumb drives, USB, memory cards, PCMIA cards, Compact Flash, CD/DVD etc.) used to transfer ballots to tabulation centers from voting locations and to load software/programming.
4. Election Log Files, in XML, EML, JSON, DVD and XSLT formats, and any other election files and logs for the:
  - Tabulators
  - Result Pair Resolution
  - Result Files
  - Provisional Votes
  - RTMLogs
  - SQL Database Files
  - Signature Checking & Sorting Machine
5. Election Settings
  - Rejected Ballots Report by Reason Code
6. Accounts and Tokens
  - Username & Passwords (Applications, Operation Systems)
  - Encryption Passwords (Bitlocker, Veracrypt, Etc)
  - Security Tokens (iButton, Yubikey, SmartCard, Etc)
7. Windows Server & Desktop
  - Windows software log
  - Windows event log and Access logs
  - Network logs
  - FTP Transfer Points Log
  - Usernames & Passwords
  - Application specific usernames and passwords (Election Software, Database Access)
8. Dominion Equipment
  - The Administrator & Audit logs for the EMS Election Event Designer (EED) and EMS Results Tally & Reporting (RTR) Client Applications.
9. Dominion Network

- Identity of each person accessing the domain name Admin.enr.dominionvoting.com and \*. dominionvoting.com domains.
- Windows security log of the server that is hosted at Admin.enr.dominionvoting.com
- Internal admin.enr.dominionvoting.com logs

10. Election Systems & Software (ESS) Specific

- The Administrator & Audit logs for the Electionware election management system, Ballot on Demand - BOD printing system, DS200 scanner and tabulator, DS450 scanner and tabulator, DS850 scanner and tabulator, and Voting Systems (ExpressPoll, ExpressVote, ExpressVote XL).

11. Voter rolls

- Database of voter rolls
- Forensic image of computers/devices used to work with voter rolls
- Copy of media device used to transfer voter rolls

12. Daily and cumulative voter records for those who voted, with sufficient information to determine for each voter:

- Name and voter registration address;
- Mailing address
- Date of birth;
- Voter ID number;
- Manner of voting (*e.g.*, early by mail, early in-person, in-person on Election Day)
- Voting location (if applicable)
- Date voted
- Political party affiliation (if applicable);
- Early ballot request date (if applicable)
- Early ballot sent date (if applicable)
- Voted early ballot return or receipt date (if applicable)
- Ballot canceled date (if applicable)
- Image of ballot envelope or pollbook entry in .RAW, HTML, XHTML, SVG, or other format

13. Access or control of ALL routers, tabulators or combinations thereof, used in connection with the administration of the 2020 election, and the public IP of the router.

14. Voter Rally Paper Rolls, Test Ballots, Ballot Test Matrix.

15. Access to all original, paper ballots (including but not limited to early ballots, Election Day ballots, and provisional ballots).

16. Each original, unique native electronic image of each early ballot cast, with the original associated metadata (multiple ballot images may not be combined into a single file and no metadata associated the original electronic ballot image shall be deleted, removed or altered).

17. Each image of each early ballot cast in (a) TIFF format, (b) PDF format, and (c) JPG format (multiple ballot images may not be combined into a single file).

18. From the Dominion electronic election management system, each of the following must be provided as (a) an XML file, (b) a JSON file, and (c) a TXT file:

- Dominion Electronic Cast Vote Record
- Ballot Images – Raw Images
- Ballot Images – Ballot Audit and Review
- Early Ballot Report
- Provisional Ballot Report
- Conditional Voter Registration Ballot Report
- Cast Vote Record (raw data) – JSON
- ImageCast Central Logs
- Ballot Scanning/Tabulation Machine Logs
- Ballot Scanning/Tabulating Machine Tape

Any electronically stored information contained in this Exhibit A shall be electronically uploaded to one or more computer drives supplied by the Senate Judiciary Committee or its agents.

# ARIZONA SENATE

*Fifty-Fifth Arizona Legislature  
First Regular Session*

## Senate Judiciary Committee

### SUBPOENA *DUCES TECUM*

TO: Stephen Richer, Maricopa County Recorder

YOU ARE COMMANDED TO APPEAR at the time, date and place set forth below to provide testimony concerning the items set forth in Exhibit A attached hereto. You must designate one or more of your officers, agents or representatives who consent to testify on your behalf about the same.

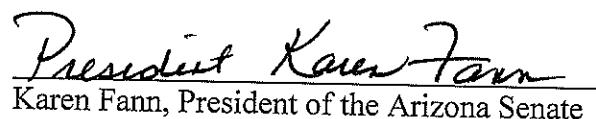
**Date & Time:** January 13, 2021 at 9:00 a.m.

**Place:**  
Arizona Senate  
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1700 West Washington Street  
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Karen Fann, President of the Arizona Senate

  
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5. Election Settings
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# ARIZONA SENATE

*Fifty-Fifth Arizona Legislature  
First Regular Session*

## Senate Judiciary Committee

### SUBPOENA *DUCES TECUM*

TO: John M. Allen, Maricopa County Treasurer

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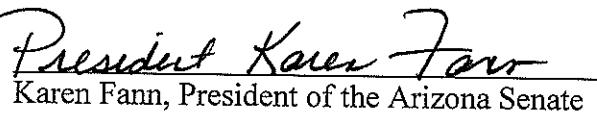
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Warren Petersen, Chairman  
Senate Judiciary Committee

## EXHIBIT A

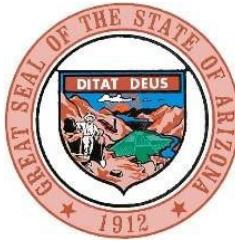
For the November 2020 general election in Maricopa County, Arizona:

1. All ballots (including but not limited to early ballots, Election Day ballots, and provisional ballots).
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# **EXHIBIT W**

KAREN FANN  
SENATE PRESIDENT  
FIFTY-FIFTH LEGISLATURE  
1700 WEST WASHINGTON, SENATE  
PHOENIX, ARIZONA 85007-2844  
PHONE: (602) 926-5874  
TOLL FREE: 1-800-352-8404  
kfann@azleg.gov  
DISTRICT 1



COMMITTEES:  
Rules, Chairman

## Arizona State Senate

May 12, 2021

Maricopa Board of Supervisors  
c/o Chairman Jack Sellers  
301 West Jefferson Street, #10  
Phoenix, Arizona 85003

Dear Chairman Sellers:

I am writing to seek your assistance and cooperation in the resolution of three (3) serious issues that have arisen in the course of the Senate's ongoing audit of the returns of the November 3, 2020 general election in Maricopa County.

### **I. Ongoing Non-Compliance with the Legislative Subpoenas**

The first issue concerns Maricopa County's apparent intent to renege on its previous commitment to comply fully with the legislative subpoenas issued on January 13, 2021, which, as you know, Judge Thomason found were valid and enforceable.

To date, attorneys for Maricopa County have refused to produce virtual images of routers used in connection with the general election, relying on a conclusory and unsupported assertion that providing the routers would somehow "endanger the lives of law enforcement officers, their operations, or the protected health information and personal data of Maricopa County's citizens." If true, the fact that Maricopa County stores on its routers substantial quantities of citizens' and employees' highly sensitive personal information is an alarming indictment of the County's lax data security practices, rather than of the legislative subpoenas. Similarly, the County's assertion that producing the internet routers for inspection would cost up to \$6,000,000 seems at odds with Deputy County Attorney Joseph La Rue's prior representation to Audit Liaison Ken Bennett that the routers already had been disconnected from the County's network and were prepared for imminent delivery to the Senate.

Nevertheless, in an effort to resolve the dispute regarding production of the routers, we propose that agents of CyFIR, an experienced digital forensics firm and subcontractor of Cyber Ninjas, review virtual images of the relevant routers in Maricopa County facilities and in the presence of representatives of the Maricopa County Sheriff's Office. Such an arrangement would permit Maricopa County to retain custody and monitor the review of router data, while ensuring that the Senate may access the information it requires—and to which it is constitutionally entitled—to successfully complete its audit. The Senate has no interest in viewing or taking possession of any information that is unrelated to the administration of the 2020 general election.

Separately, Maricopa County has refused to provide the passwords necessary to access vote tabulation devices. Its attorneys' insistence that the County does not have custody or control of this information is belied by the County's conduct of its own audits, which, if they were as comprehensive as they purported to be, almost certainly would have entailed use of the passwords to examine the tabulation devices, and it strains credulity to posit that the County has no contractual right to obtain (*i.e.*, control of) password information from Dominion.

## II. **Chain of Custody and Ballot Organization Anomalies**

As the audit has progressed, the Senate's contractors have become aware of apparent omissions, inconsistencies, and anomalies relating to Maricopa County's handling, organization, and storage of ballots. We hope you can assist us in understanding these issues, including specifically the following:

1. The County has not provided any chain-of-custody documentation for the ballots. Does such documentation exist, and if so, will it be produced?
2. The bags in which the ballots were stored are not sealed, although the audit team has found at the bottom of many boxes cut seals of the type that would have sealed a ballot bag. Why were these seals placed at the bottom of the boxes?
3. Batches within a box are frequently separated by only a divider without any indication of the corresponding batch numbers. In some cases, the batch dividers are missing altogether. This lack of organization has significantly complicated and delayed the audit team's ballot processing efforts. What are the County's procedures for sorting, organizing, and packaging ballot batches?
4. Most of the ballot boxes were sealed merely with regular tape and not secured by any kind of tamper-evident seal. Is that the County's customary practice for storing ballots?
5. The audit team has encountered a significant number of instances in which there is a disparity between the actual number of ballots contained in a batch and the total denoted on the pink report slip accompanying the batch. In most of these instances, the total on the pink report slip is greater than the number of ballots in the batch, although there are a few instances in which the total is lower. What are the reasons for these discrepancies? For your reference, please see several illustrative (*i.e.*, not comprehensive) examples in the table below:

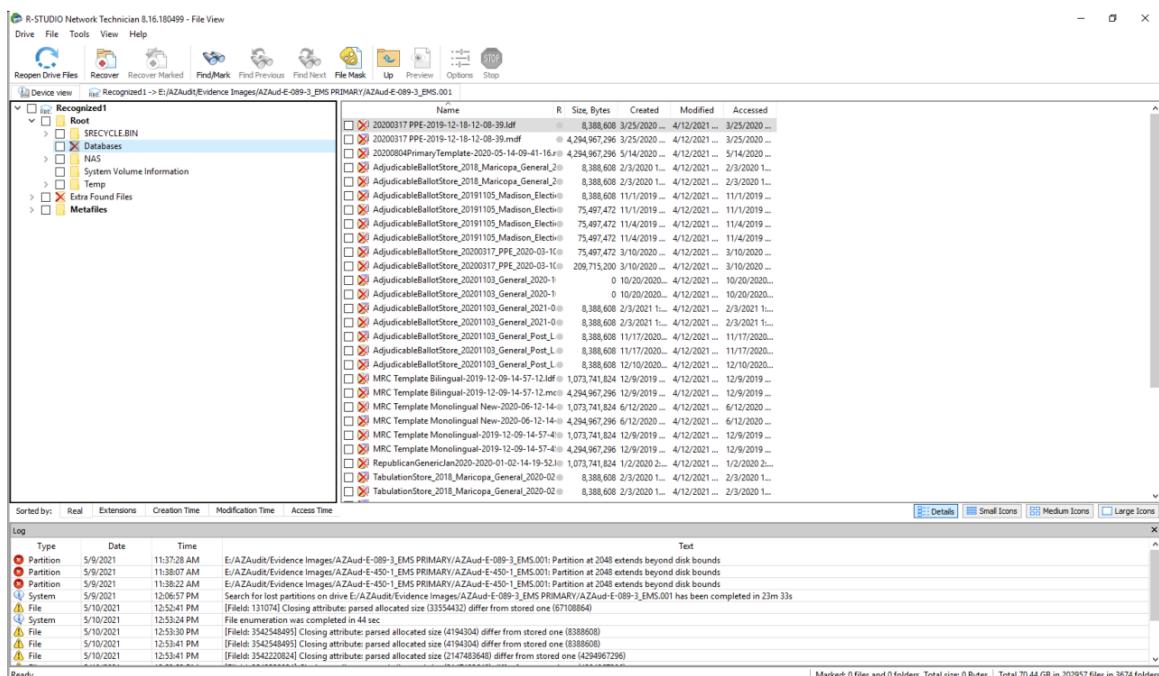
Pallet	Ballot Type	Batch	Pink Slip Total	Actual Total	Discrepancy
5	EV	2104	200	198	-2
5	EV	9276	200	165	-35
15	EV	9278	200	187	-13
15	EV	1643	200	218	18
7	EV	6359	197	187	-10

For your convenience, images of the corresponding pink report slips are attached in **Exhibit A**.

### III. Deleted Databases

We have recently discovered that the entire “Database” directory from the D drive of the machine “EMSPrimary” has been deleted. This removes election related details that appear to have been covered by the subpoena. In addition, the main database for the Election Management System (EMS) Software, “Results Tally and Reporting,” is not located anywhere on the EMSPrimary machine, even though all of the EMS Clients reference that machine as the location of the database. This suggests that the main database for all election related data for the November 2020 General Election has been removed. Can you please advise as to why these folders were deleted, and whether there are any backups that may contain the deleted folders?

The image below shows the location of the files known to be deleted. In addition, the main database for “Results Tally and Reporting” is not present.



\* \* \*

I am hopeful that we can constructively resolve these issues and questions without recourse to additional subpoenas or other compulsory process. To that end, I invite you and any other officers or employees of Maricopa County (to include officials in the Elections Department) who possess knowledge or information concerning the matters set forth above to a meeting at the Arizona State Capitol on Tuesday, May 18, 2021 at 1:00 p.m. in Hearing Room 109. Chairman Petersen, former Secretary Bennett and I will attend the meeting, which will be live-streamed to the public.

Please let me know at your earliest convenience whether you accept my invitation and, if so, which Maricopa County personnel will attend.

Thank you for your cooperation on these important issues of public concern.

Respectfully,



Karen Fann, President  
Arizona State Senate

## **Exhibit A**

<b>EARLY VOTING REPORT</b>	Board #	Today's Date	Boardworker #1	Boardworker #2	BIN #  197
	38	10-20-20	M. Faccone	J. Cunningham	
Election Type:	Election Date	Election #	Tray #		
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> JURISDICTION	11-3-20	1377	2104		
Write Name for Special or Jurisdiction					

	SEQ:	1-50	51-100	101-150	151-200	Combined Totals (A-D)
		Column:	A	B	C	
1	Total # of AFFIDAVITS	50	50	50	50	200
2	Total REJECTED	0	0	0	0	0
3	Total to DUPLICATION	0	0	0	0	0
4	Total to TABULATION	50	50	50	50	200

### *Why would I duplicate a ballot?*

#### E. Damaged Ballot:

Torn or cut, sticky, timing marks not visible, spill that results in a stain overlapping timing marks, tape, etc.

### **F. Erroneous Ballot:**

Alternate Format (e.g., Braille, Lg. Print), Precinct and/or Ballot Color **DOES NOT** match affidavit information. If party on affidavit does not match party on ballot, ask for assistant.

### ***Why would I reject something?***

### **G. Multiple Ballots:**

**Ask for assistance** if affidavit contains multiple ballots.

**H. Insufficient:**

Affidavit contained no ballot or  
ballot is not from current election.

<b>REJECTED</b>		(Enter Total # of ballots from "H" to be REJECTED on line 2 above)		
Column	ID NUMBER	<input checked="" type="checkbox"/> Reason Below		
		G	H	

**White – Place on Ballots in Tray**

WTC - Video on Sunday 11.11.01

<b>EARLY VOTING REPORT</b>	Board #	Today's Date	Boardworker #1	Boardworker #2	
	13	11-06-20	Swallows	E Gravasse	# NIB
<b>Election Type:</b> <input type="checkbox"/> PRIMARY <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> JURISDICTION					
<small>Write Name for Special or Jurisdiction</small>					
					
<b>SEQ:</b> 1-50 51-100 101-150 151-200 <b>Combined Totals (A-D)</b>					
<b>Column:</b> A B C D					
1	Total # of AFFIDAVITS		50 50 50 50	200	
2	Total REJECTED		0 0 0 0	0	
3	Ballots Total to DUPLICATION		0 0 0 0	0	
4	Total to TABULATION		50 50 50 50	200	
<b>Why would I duplicate a ballot?</b>					
<b>E. Damaged Ballot:</b> Torn or cut, sticky, timing marks not visible, spill that results in a stain overlapping timing marks, tape, etc.					
<b>F. Erroneous Ballot:</b> Alternate Format (e.g., Braille, Lg. Print), Precinct and/or Ballot Color <b>DOES NOT</b> match affidavit information. If party on affidavit does not match party on ballot, ask for assistant.					
<b>Why would I reject something?</b>					
<b>G. Multiple Ballots:</b> Ask for assistance if affidavit contains multiple ballots.					
<b>H. Insufficient:</b> Affidavit contained no ballot or ballot is not from current election.					
<b>DUPLICATION</b> <small>(Enter Total # of ballots to be DUPLICATED on line 3 above)</small>					
<b>PER AFFIDAVIT ENVELOPE</b> <input checked="" type="checkbox"/> Reason Below					
Column	PRECINCT/DIST	COLOR	PARTY	E	F
<b>REJECTED</b> <small>(Enter Total # of ballots from "H" to be REJECTED on line 2 above)</small>					
<b>ID NUMBER</b> <input checked="" type="checkbox"/> Reason Below					
Column	ID NUMBER	G	H		
White – Place on Ballots in Tray      Yellow - Paperclip to Tray Report      Pink – Rubber band with Affidavits					



Board #	Today's Date	Boardworker #1	Boardworker #2
47	10-19-20	S.stephen	R.Towne
ELECTION TYPE:	ELECTION DATE	ELECTION #	TRAY #
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> JURISDICTION	11-3-20	1377	1673
# IN BIN			



	SEQ:	1-50	51-100	101-150	151-200	Combined Totals (A-D)
	Column:	A	B	C	D	
1	Total # of AFFIDAVITS	50	50	50	50	200
2	Total REJECTED	0	0	0	0	0
3	Total to DUPLICATION	0	0	0	0	0
4	Total to TABULATION	50	50	50	50	200

### ***Why would I duplicate a ballot?***

**E. Damaged Ballot:**

**Damage: Cut.**  
Torn or cut, sticky, timing marks not visible, spill that results in a stain overlapping timing marks, tape, etc.

#### **F. Erroneous Ballot:**

Alternate Format (e.g., Braille, Lg. Print), Precinct and/or Ballot Color **DOES NOT** match affidavit information. If party on affidavit does not match party on ballot, ask for assistant.

### ***Why would I reject something?***

#### **G. Multiple Ballots:**

**Ask for assistance** if affidavit contains multiple ballots.

**H. Insufficient:**

Affidavit contained no ballot or  
ballot is not from current election.

<b>REJECTED</b>		<i>(Enter Total # of ballots from "H" to be REJECTED on line 2 above)</i>		
Column	ID NUMBER	<input checked="" type="checkbox"/> Reason Below		
		G	H	

**White – Place on Ballots in Tray**

ANSWER

<b>EARLY VOTING REPORT</b>		Board #	Today's Date	Boardworker #1	Boardworker #2			
		30	10-30-20	S. Stephen RTowne				
Election Type: <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> JURISDICTION		Election Date	Election #	Tray #				
		11-3-20						
		Write Name for Special or Jurisdiction						
		SEQ:	1 -	50	51-100	14-150	51-200	Combined Totals (A-D)
		Column:	A	B	C	D		
1	Total # of AFFIDAVITS	50	50	50	50	200		
2	Total REJECTED	0	0	0	0	0		
3	Ballots Total to DUPLICATION	0	1	0	12	13		
4	Total to TABULATION	50	49	50	48	197		
<b>Why would I duplicate a ballot?</b>		DUPLICATION (Enter Total # of ballots to be DUPLICATED on line 3 above)						
<b>E. Damaged Ballot:</b> Torn or cut, sticky, timing marks not visible, spill that results in a stain overlapping timing marks, tape, etc.		PER AFFIDAVIT ENVELOPE <input checked="" type="checkbox"/> Reason Below Column PRECINCT/DIST COLOR PARTY E F B 372 WHT - ✓ D 358 WHT - ✓ D 488 PUR - ✓						
<b>F. Erroneous Ballot:</b> Alternate Format (e.g., Braille, Lg. Print), Precinct and/or Ballot Color <b>DOES NOT</b> match affidavit information. If party on affidavit does not match party on ballot, ask for assistant.								
<b>G. Multiple Ballots:</b> Ask for assistance if affidavit contains multiple ballots.		REJECTED (Enter Total # of ballots from "H" to be REJECTED on line 2 above)						
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